

The amendments by the Applicants only address the concerns raised by Environmental Health (Commercial). No mention is made about concerns raised by our selves (Appleby Parish Council) and our Neighbourhood Plan.

There appears to be very little extra information submitted by the Applicants, and much of the information is still inaccurate in our view. In the Applicants amended submission it has taken two attempts ( one submission entitled Superseded , the next entitled Amended) to give information regarding the number of sheds that were planned for the site . See page 5 of 12, columns 8 and 9. The original Licence was found to be incorrect. However instead of the original (incorrect Licence) being left with other submissions, the original has been replaced but given a later date . The Applicants appear to be using this fact to cast doubt on the Environmental Health (Commercial) submission.

The fact that the Environmental Agency for Licencing had submitted a licence based on incorrect information suggests that department may not have been as thorough as we would expect. The proximity of the proposed site being so close to our Community, we would hope that extra diligence would be exercised. The Licence has been issued to Anyalla Chicks (UK) Broilers Ltd to operate the site, not Jackson Farms. Yet there is no information from Anyalla chicks as to how they will operate the site and as Anyalla Chicks headquarters are based at Wrexham, with the Chick sites in Boston or York, there is no benefit to the Local Economy, other than the renting of the land from Jackson Farms, who's headquarters are based at Somerby , West Lindsey, not North Lincolnshire. The NPPF requires that sustainable development should provide a social role, supporting vibrant and healthy communities as quoted in Appleby Parish Neighbourhood Plan Policy AP1

#### With regards to the Noise Sensitive Receptors (NSRs)

Relating to Appendix B – Baseline Noise Measurement Positions Map

NSR1 relates to Asholt Croft and The Lodge properties approx. 100m and 150m south-west of the proposed poultry sheds on the map

NSR2 relates to Keb Farm approx. 435m south-east of the site on the map

On the amended version an additional NSR3 (38db table 4.1) has been included in table 4.1 but is not featured on the map. It is referred to as the Farm property (Keb Farm) in the site description para 1.2 NSR1 (40db table 4.1) relates to Asholt Croft and NSR2, (38db table 4.1) formally the Farm, now relates to The Lodge.

Referring to the table 4.1 NSR2 and NSR3 are regarded as being the same calculation, 38db.

Considering these 2 properties are approx. 470m apart it is difficult to find they have the same calculation when there is a discrepancy between NSR1 and NSR2 calculation, 40db and 38db.

There is no evidence of Baseline Noise Measurement Data regarding the properties to the south-west of the property boundary is only 230m from the site boundary (red line). This is clearly within 400m of a metres of the proposed development. (Policy RD15 ii) This property can clearly be seen on the map and has less propagation than Keb Farm. The Applicants also refer to Asholt Croft as a Farm building. The bungalow is in fact owned by Jackson Farms, but is occupied by a retired farmworker who pays rent for the property, and

he has nothing to do with the proposed chicken farm. The Lodge is a freehold property which at the moment is up for sale.

#### With regards to Use and Type of Fans

Relating to the Proposed Elevations Floor Plan & Section, 23<sup>rd</sup> March, the cross sectional plan shows 4 sheds as opposed to 5 on the site Boundary Map 23<sup>rd</sup> March, and Soft Landscape Plan, 18<sup>th</sup> August. On the cross sectional plan of the east side gable end there are only 4 Fans illustrated on the plan. 5 Fans are understood to be proposed (Section 4 Assessment para 4.1)

From the Assessment (Section 4 para 4.3) it is recommending alternative roof fans are selected or attenuators are fitted to reduce the impact on NSR1 and NSR2.

There is no indications of which of these recommendations are to be implemented.

The proposed fans in any case suggest a noise level of 70db at a 2m distance, which is higher than recommended (58db)

#### Traffic Management

There is an agreed curfew regarding HGV movements between the hours of 22-00 and 06-00 with Tarmac Ltd to reduce the night time traffic through Appleby Village. How is traffic into the site going to impact if the removal of chickens is going to be done at night? If in fact that is the chosen route. The turning off Ermine Street into the site is on a section of road that already has a high accident rate.

Both of the paragraphs relating to traffic management paragraphs in the Environment Statement D say the same thing, but do not indicate what the Management Plan is likely to be. This being relevant as it is not clear as to what the plan is regarding the collection of chickens at the end of the cycle. i.e. Whether or not this is on a rotational basis or all the 5 sheds are emptied at the same time. This is important as it is indicated that this operation is to take place at night. Traffic Generation 9.7.4

The Management Plan is desirable to ascertain routes to be taken by all vehicles to determine what effect this would have on the village. There is no information regarding the amount of traffic used during the construction of the site.

It is assumed that Section 5 (9.9.4) relates to Table 5 (9.7.1) of the report not Section 5 of the Environmental Statement.

#### Environmental Statement Revision D

##### 9.8. Vehicle routing

##### 9.8.4 Service and Delivery Management Plan

##### 9.9 Conclusion

##### 9.9.5 Service and Delivery Management Plan

### **Potential Flooding Issues**

The lagoon has a capacity of 2.5 million litres, but the average rainfall per year for the site would be approx. 14 million litres per year. There will be approximately 8million litres of rainwater from the shed roofs. and there is a remaining 6million litres rainwater from the concrete surrounds. There is a potential for this surface water to run off onto the nearby highway.

Proposed plan quotes:

7.1lt/sec capacity for removal of water for 2.4 ha site equates to 613,440 lt/day = 26mm rainfall  
From local records that amount of rainfall can occur at least 4 times a year which would lead to the flooding of the B1207 on those occasions due to the system not being able to cope. This suggests that this site is not appropriate for the proposed Livestock Unit..

The Local Lead Flood Authority questions still haven't been answered.

**This is at odds with Appleby Parish Neighbourhood Plan Policy AP2 section h) regarding sustainable water management.**

**The potential flooding will cause flooding on the adjacent B1207 road, which has a history of flooding without the loss of the natural soak away delivered by the existing field.**

**NLC Local Plan DS16 specifically refers to these issues.**

### **Mains water usage.**

References from

[www.thepoultrysite.com](http://www.thepoultrysite.com)

[www.poultryhub.org](http://www.poultryhub.org)

the average water usage over the growing cycle is 500,000 litres per week, compared with 440,000 for all the properties in the village . Is this sustainable? Will this affect the water pressure for the village.?

The applicant has not considered rainwater harvesting.

**As previously mentioned there is no reference made to acknowledge Appleby Parish Neighbourhood Plan.**

**Appleby Parish Neighbourhood Plan Policy AP1 Quotes the NPPF where the proposed development does not satisfy two of the three critical roles for sustainable development - 5.8 b) a social role, supporting a vibrant and healthy community, nor 5.8 c) an environmental role protecting and enhancing our natural, built and historic environment.**

### **Appleby Parish Neighbourhood Plan Policy AP2**

**Proposals should demonstrate, where appropriate, how:**

**b the design reinforces the character of the village or rural area by respecting the local vernacular building character in terms of scale, form, materials used, plot density, special architectural and**

landscaping features, whilst safeguarding and enhancing the heritage assets of the area and the natural environment; <sup>[1]</sup><sub>SEP</sub>

f the design can be accessed safely from the highway incorporating sufficient off-street parking; <sup>[1]</sup><sub>SEP</sub>

h the design uses sustainable surface water management solutions in new developments to reduce all water disposal into public sewers and manage the release of surface water effectively; <sup>[1]</sup><sub>SEP</sub> (this last policy element would draw attention to the potential flooding issues previously mentioned.

Appleby Parish Neighbourhood Plan Policy AP9

Which refers to management of traffic because of new development.

Ecology The site is immediately adjacent to Mickleholme Wood and Appleby Hall Plantation which would conflict with Appleby Parish Neighbourhood Plan Policy AP11 and is also identified as protected habitat via the Magic mapping software advised by Natural England.

Quote: Proposals for new development in areas considered important for nature conservation (Appleby Hall Plantation, Mickleholme Wood, Priory / Appleby Carrs, Santon Wood, Spring Wood and Coronation Wood) as shown on the Policies Map, will not be supported.

All proposals for new development within the open countryside will be expected to protect and enhance the special nature of the local landscape and its surroundings..

#### Alternative Sites

Regarding the Alternative Sites, yes two of the alternative sites mentioned in the amended proposal are worse than the proposed site – but that doesn't make the Ermine Street site appropriate, it is just the least worst of the three.

#### Species protection and biodiversity management plan.

Comments:

The applicants continue to ignore the Appleby Neighbourhood Plan as reference for their proposal, and, subsequently do not address many of the issues raised which correctly uses the ANP to support village objections.

Site description.

2.1 the applicant continues the practice of using negative descriptors to imply that the proposed change of use would be of benefit to the community. ie **the site is dominated by recently established ruderal vegetation following cultivation. An over mature and unmanaged hawthorn hedgerow is associated with the western boundary . which also hides the view across to Mickleholme Wood.**

The condition of the site is as the applicant has allowed it to develop. Prior to the application the hedgerow was managed alongside all other hedgerows under the care of Jacksons farms. Its current appearance of neglect is clearly deliberate since other hedgerows have been maintained.

2.2 Surrounding habitats. The site is bordered **to the immediate south by a redundant intensive pig farm .**

**Assessment of alternative sites : the key reasons why this site was selected are listed below,**

**.Adjacent to the existing Pig unit**

This unit stands derelict (9 yrs.) and without an apparent proposal for removal. As an example of management strategy by Jacksons Farms it reflects little concern for the appearance of the village.

2.4 Proposed work. **Planning permission has been granted under application number PA/2020/416 to erect five poultry building and associated works.**

This is misleading to say the least as the planning process is not complete and no permissions have been granted. (In fact the Environment Agency – Licencing has specifically said that they are neither promoting nor supporting the Application)

**3.1 A full assessment of the protected species with potential to be impacted by the scheme is provided in the original Ecological appraisal. (ecology &Forestry LTD June 2020)**

As stated in the original response by APC this lists a conveniently small number of species observed, omitting more than 30 different species of birds, 2 of which would be section 1 protected and 18 other species of birds of Red or Amber conservation concern status. This level of omission is clearly unacceptable., An example of choosing only 'favourable' data to support the application

3.4.3 The mitigation plan is based on supporting species observed during a very small time window. the proposal of erecting bird boxes amounts to an insignificant gesture when compared to the removal of habitat for the larger range of species common to the area.

If, as seems to be suggested in the justification, the land is not successful as arable rotation a more appropriate and sympathetic use would be to seek environmental stewardship under Natural England environment scheme. This would have a positive impact on the village and more appropriately achieve aims stated at assessment of alternative sites

1.1 The justification and mitigation work on the premise that this is a necessary development on this site. It is not. Appleby village residents continue to view this as an inappropriate setting for such a development.

Assessment of alternative sites.

This document appears to have been produced as a rebuttal to the objections raised by villagers to the original application. They appear to have been chosen for their nuisance value. The choice of alternative sites would be more intrusive to the village and makes this contrary to the applicants intentions as stated in

1.1 they are a local farming family who want to farm the land but do it in a way that doesn't impact on their neighbours or the environment

Also

1.15 The conclusion that the proposed site is justified from a practical perspective ( for the applicant) disregards the arguments put forward by the villagers whose opposition is referenced in the ANP who continue to argue it is an inappropriate setting.

### **Appleby Parish Neighbourhood Plan Policy AP11**

#### **NLC Local Plan LC5 Conserving and Enhancing the Natural Environment**

**LC5 - Species Protection Planning permission will not be granted for development or land use changes which would have an adverse impact on badgers or species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended). Where development is permitted that may have an effect on those species, conditions or the use of planning agreements will be considered to:**

- i) facilitate the survival of individual members of the species; and**
- ii) reduce disturbance to a minimum; and**
- iii) provide adequate alternative habitats to sustain at least the current levels of population.**

12.14 The EC Habitats and Species Directive 92/43, requires the UK Government to protect certain species in accordance with Articles 12-16. Furthermore PPG9 specifies that the presence of a protected species is a material planning consideration when considering development proposals which would be likely to result in harm to a species or its habitat. Where development is permitted the Council will impose conditions or enter into planning agreements to minimise any adverse impact on such species. The proposed development stands immediately adjacent and just a few yards from Mickleholme Wood and Appleby Hall Plantation which is protected. Any bioaerosols from the sheds can have a detrimental effect on the wildlife that inhabits that woodland.

#### **Habitat Creation North Lincs LC6**

12.15 The area contains a variety of sites of established nature conservation interest which are to be conserved and enhanced to assist in increasing biodiversity. There are however opportunities to create new habitats to complement existing areas and to contribute to biodiversity. The site is surrounded on 3 sides by protected woodland which creates an Environment for protected species i.e. bats, birds and badgers. The sheds are within just a few yards of those sites.

**The woodland is identified in Appleby Neighbourhood Plan AP11 and via Natural England recommendations to link to <http://magic.defra.gov.uk> for protected woodland.**

**Comment: There are no new habitats being created, simply replacing existing habitats with smaller habitats destroyed by the new buildings which will take years to mature while disturbing the existing wildlife during the construction of the site. There is no indication of where the loss of biodiversity due to the proposed Application will be replaced.**

The National Planning Policy Framework (NPPF) was updated in early 2019 and made specific reference to odour in the following paragraphs:

170. Planning policies and decisions should contribute to and enhance the natural and local environment by: .....

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality...

180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development...

The NPPF also includes information for sites which will fall under other control regimes such as the Environmental Permitting regime:

183. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

The NPPF is therefore directing Local Planning Authorities to ensure that it considers:

A. Whether or not the proposed development is appropriate for its location and acceptable and;

B. The predicted cumulative impacts of pollution arising from the proposed development upon the environment, health and amenity taking into account the sensitivity of the location

Moreover, in doing so it should assume that the future pollution control regime will operate effectively. The Council has a Statutory Duty to investigate nuisances and can issue legal notices where they are identified. However where sites are regulated via a Permit, enforcement of the notice would require approval from the Secretary of State. It can be seen therefore that in normal circumstances regulation of the site via the Statutory Nuisance Regime would not be the first regulatory tool to be considered. Environmental Protection has taken the approach set out in the NPPF into account and the Statutory Nuisance regime when detailing the comments set out below.

## **NLC RD16 Cumulative Effects of Intensive Livestock Units**

**Comment: There 2 other poultry units and 3 pig production units within 3 miles of the village in all directions. Another intensive livestock unit is not desirable so close to the village. There is no other community in North Lincolnshire that has such an intensive livestock farm as close to a Community as the one proposed.**

## **NLC Local PPlan RD7 ii and iv**

**6.21 PPG7 states that the priority in agriculture is to promote diversification of the rural economy so as to provide wide and varied employment opportunities for rural residents including those formerly employed in agriculture and related sectors. It is necessary to encourage activities, which can run satisfactorily alongside traditional**

**farming. Proposals should form an integral part of, and be compatible with, the farming operation and may include such activities as tourist accommodation, farm shops, farm-based visitor centres, equestrian centres, food processing, specialist food preparation and sale and rural craft enterprises.**

**Comment: This application will not provide employment for local residents, or any other criteria mentioned above.**

**This site is considered to be good grade 2 Agricultural land and should be used as such.**

#### Air Quality Consultants Response the NLC Environmental Health (Commercial) submission.

The Environmental Health submission raised similar concerns to that of Appleby Parish Council.

We don't believe that the issues have been addressed. No mention has been made of Appleby Neighbourhood Plan by the Applicants. The applicants have made two amendments of the Air Quality Note one labeled Superseded and the other Amended, this due to the Applicants putting the wrong information on page 5 section 8 and 9, where they still referred 4 sheds themselves – if they can't be trusted to get their amendment correct how can we believe any of their other data/information.

The original Environmental Agency responsible for Licencing have admitted that the initial Licence did not cover the proposed application, but the applicants dismiss the Environmental Health submission as though the replacement Licence was correct – when in fact the original Licence has been replaced with a more recent date typed on to it in red.

Appleby PC have said that the method of assessment is more subjective than factual and no new evidence has been given to alter that subjectivity – it is still guess work and the receptors still do not cover sufficient locations with any accuracy. The amended document still does not satisfy the NPPF requirements detailed in Section 170 e0 180 nor 183.

The amended submission does not address the issue of distances of Intensive Livestock Units from Residential properties. Both Ashcroft Holt and The Lodge are just a few metres from the site boundary and Ashcroft Holt may be owned by Jackson Farms, but the paying tenant has nothing to do with the proposed development, being a retired worker for well over 16 years and more. The Lodge has been privately owned until recently and is up for sale. The distance from the site boundary to the boundary of Ermine house is just a few metres over the 200m limit given of RD15 of the NLC Local Plan. The Old Hunting Lodge is also within the 400m requirement of the distance requirements of RD15 for small/middle Communities and Keb Farm is just marginal. The Applicants continue to refer to Ashholt Croft as a Farm building – although the bungalow is owned by Jackson Farms it in no way is associated with the Chicken Farm itself which would be an exclusion in NLC Local Plan RD15 – the tenants themselves have made an objection to the proposed Intensive chicken farm.

#### **NLC Local Plan Text**

**Proposals for new intensive livestock units and associated structures, or the expansion of existing intensive livestock units will only be permitted provided that:**

**RD15 iii) within 200 metres of an individual dwelling, excluding those connected with the livestock operation.**

The distances of the proposed site to these properties also fails the required distancing for Sound/noise issues.

As we have shown in our earlier submissions on the map included (copied at the end of this submission) that nowhere else in North Lincolnshire is there another Chicken Farm as close to a Community as the proposed Unit, in fact the next nearest is double the double the distance from that Community as this one is to Appleby Village. This



being the case there should be extra accurate details of emissions of odours,dust, and bioaerosols and not the estimates provided by the applicant.

As per our initial submission the settlement boundary is particularly close to the proposed site. Being a minimum rural settlement the required distance is given as 400m, however there are a number of properties outside the settlement/development boundary which are within 400m stated in **RD15 of the NLC Local Plan**. The development boundary is in general very close to 400m and only marginally over that distance . One property being a residential home which has double figures of very elderly residents that could be vulnerable to any particulate matter or potential toxic material that can emanate from such Intensive Livestock Units. In view of the pandemic issues that we as a Nation are faced with it is little wonder that residents are concerned about the proximity of the proposed development.

There are submissions from residents regarding odours from nearby intensive livestock units but it is not clear which units are to blame. An extra Intensive Livestock Unit will add to the existing issues.

**NLC Local Plan RD16 refers to the cumulative effect of intensive livestock units on Communities.**

**Regarding the wording of the Environmental Licensing Agency viz**

“In some cases, these residual impacts may cause local residents concern, and they must appreciate that there are limits to the measures that the operator can take to prevent impacts to the residents.”

Suggests that the impacts caused by the proposed Unit cannot be controlled and that residents will have to put up with it, **and this at a site that is half the distance from a Community than any other Intensive Chicken Farming Unit in North Lincolnshire.**

**Has this been taken into consideration by the Environmental Licensing Agency?**

The following are communications between a resident and The Environment Agency responsible for Licensing.

***Good evening Nicola.***

***I refer to your letter of 26<sup>th</sup> June to Mark Niland, I note that you state that the Environment Agency have no objection to the application, however in your paragraph entitled Amenity you go on to say that the development of the poultry farm could result in the community being exposed to odour, noise, dust and flies, the severity depends on the size of the facility etc etc you then say if the operator takes all reasonable precautions to mitigate these impacts, the residual impacts may cause local residents concern and they must appreciate that there are limits to the measures that the operator can take to prevent impacts to the residents.***

***If I am understanding your letter fully, you are accepting that some residents are at times going to suffer the aforementioned problems, if this is the case how can the Environment Agency possibly say that they have no objections to this application.***

***I will welcome your response.***

The response being:

Good afternoon Anthony

Thank you for your email. I can see that our comments could cause concern. I will discuss this with the Environment Management Officer who provided the advice regarding permitting, before getting back to you to explain our position and role and hopefully provide some reassurance.

Kind regards

Nicola Farr<sup>[SEP]</sup>Sustainable Places - Planning Advisor<sup>[SEP]</sup>Lincolnshire & Northamptonshire Area, Environment Agency

**A further response stated that this Agency neither promoted nor supported the Application, but nor did it explain how this Agency considered that expected odours would be unavoidable.**

### **Conclusion**

It is quite apparent that many of the issues raised by Appleby Parish Council in the first response to the application for the poultry farm have not been answered, and most of the applicant's replies have been duplicated in response, albeit in a different format.

Questions regarding wild life, habitat, transport and residential issues are still not answered adequately. In conclusion, the objections made by Appleby Parish Council, made with reference to local planning policies and Appleby's Neighbourhood Plan. The major concern of the residents' of the village is that the proposed planning application is too close to the village and its surrounding wildlife habitats, which have taken many years to establish.

According to Natural England comments a Bat survey should be undertaken. The applicants are depending on general information that says that there are bats in Lincolnshire! There should also be a Badger survey. The adjacent woodland provides a natural habitat, which can be contaminated by discharges from the sheds. Putting up Bat and bird boxes is just a token gesture from developers.

The Applicants are using a Wind Rose from Humberside Airport and Hull, which gives a different (favourable for the Applicants) wind direction, to the Wind Rose for Scunthorpe, which is nearer to Appleby itself and therefore more representative. See Appleby PC original comments for the Wind Rose diagram.

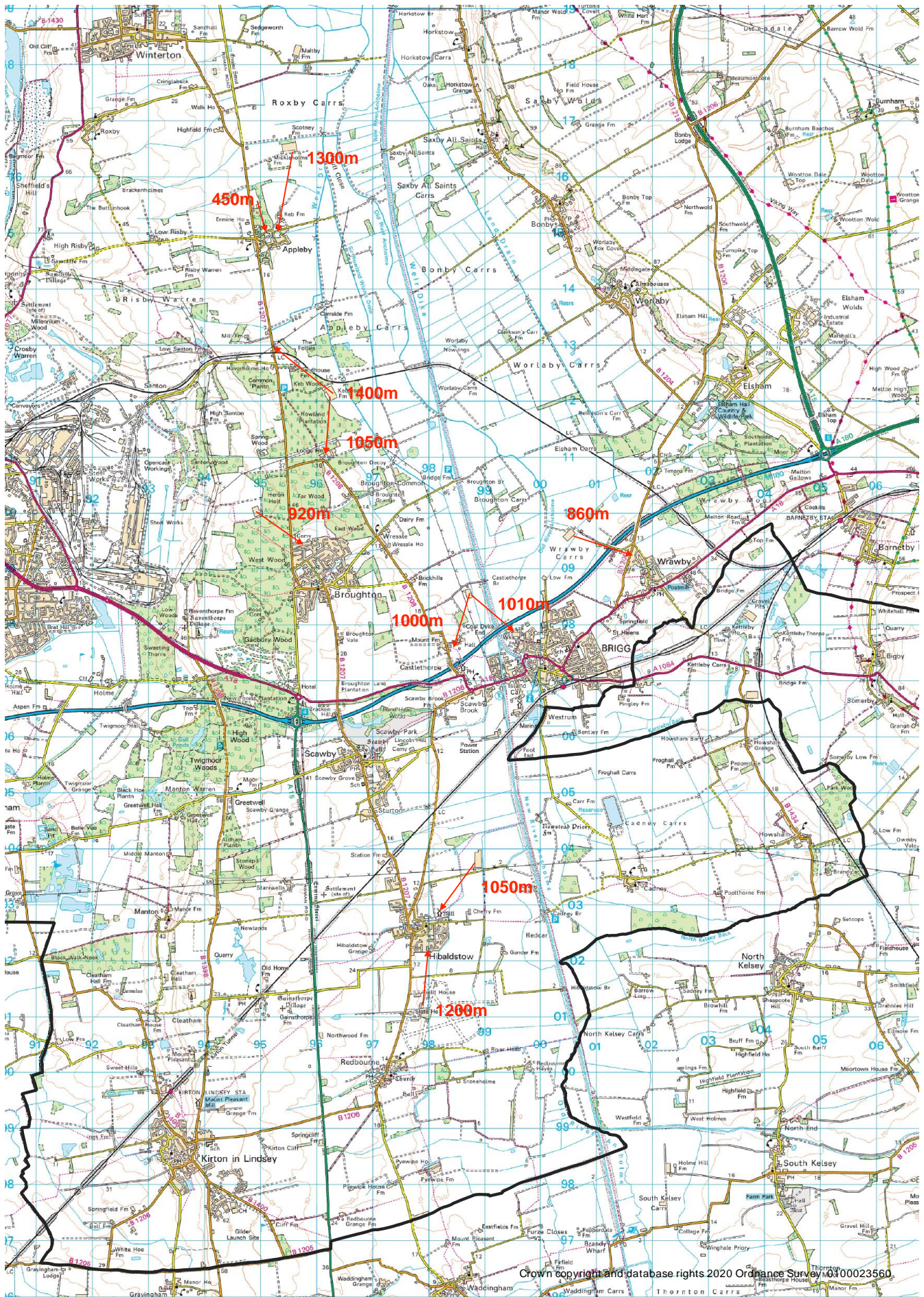
The NLC Ecology Specialist identifies that there will be a net loss of some 2.5 Hectares of biodiversity due to the siting of the Intensive Livestock Chicken Unit Sheds, along with auxiliary plant.

The draft NLC Local Plan states in Chapter 9 section 9.25 – “NPPF emphasises that if harm resulting from development cannot be avoided (through locating development on an alternative site with less harmful impact), adequately mitigated, or, as a last resort, or compensates for, then planning permission should be refused.”

The Applicant have not identified how loss of biodiversity will be compensated for or where.

**The Map on the following page shows the distance of other Intensive Chicken Units to other Communities demonstrating just how close this application is to Appleby Village which is of concern for Appleby Residents. ICU’s near Winteringham and South Ferriby are 1140m and 2500m respectively**





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